



**OSS Management Plan Public Listening Session**

**Meeting Transcript**

Tuesday, September 27, 2016, 1:30PM to 3:00PM

Environmental Health Services, 14350 SE Eastgate Way, Bellevue, WA 98007

**Welcoming Remarks & Introduction**

Ann McBroom from the King County Office for Alternate Dispute Resolution welcomed the public. She stated that the purpose of this meeting is to provide an opportunity for members of the public to provide comments on the revised Draft 2016 King County OSS Management Plan. Ann provided some background on herself, introduced Public Health staff, and described the agenda and meeting ground rules. Ann requested permission to record the meeting to ensure that all comments are accurately captured; no one objected to that request.

Ngozi Oleru, Division Director of the Environmental Health Services of Public Health – Seattle and King County, provided an introduction on the history of the OSS Operations & Maintenance Plan, and the recent OSS Plan Update process. She described the selection of representatives on the OSS Workgroup, explaining that their intent was to gather a broad spectrum of viewpoints from those who would be impacted by the plan. The Work Group met monthly, five times between March and August, and provided feedback to staff. Staff took that information and drafted the Plan Update.

Ngozi noted that Public Health would continue to collect feedback until the Plan is submitted to the Board of Health for their consideration.

An audience member asked if a date had been set for the Board of Health's consideration of the Plan Update. Ngozi said no, that the Board sets its own agenda and schedule so a date has not yet been set, but that as soon as it is known, it will be posted on Public Health's OSS Plan Update webpage.

**Public comments on the Revised Draft 2016 King County OSS Management Plan**

**Public Comment:** It does sound like you've done a thorough job of involving all of the stakeholders in the decision-making process but it also seems like you're giving an equal voice to all stakeholders and you're defining property owners as nothing more than another stakeholder, rather than giving them credit for being the owner of the system you are considering taking away. It's like two wolves and a sheep meeting to decide what to have for dinner. And the wolves are stakeholders in the decision process as well, and so the sheep get outvoted even though they more to lose. As a septic system owner, I'd like to get more credit than just to be called another stakeholder.

**Public Comment:** I would like to address some of the comments that came from the notes from the last meeting. One point was brought up at the August meeting and not caught in the summary notes, had to do with an early quote from the US EPA about 10-20% of the systems nationwide are not effectively treating wastewater or have failed completely. And it was noted at the meeting that these were national statistics, and had no local basis whatsoever. And there was no definition of the term failure. Failure is defined, by the County, as putting waste into groundwater coming into contact with human beings. The last thing that would qualify you as having a failing system is that it is not in compliance from the manufacturer. I come from a family that has an airline background and I will venture to say not one airplane takes off at SeaTac without a list of noncompliant factors and yet they don't fall out of the sky. So I would like a clearer definition of what failure involves. And a specific reference to the fact that that quote does not have any relationship to King County.

Also, there's one more item in just that particular statement, "in some cases older systems were installed without any treatment component at all. There are documented examples in King County of systems directly discharging waste from sinks, toilets showers, etc. directly into Puget Sound." I would venture to say that is not a septic system. There is nothing in a directly discharging system that qualifies it as a septic system. Therefore, any data and any relationship to those systems must come out of the combined data of an OSS. Direct discharge is not a septic system.

**Public Comment:** Septic systems do not discharge into streams; they discharge into the soil.

**Public Comment:** I put together a map example of trying to look at what has been done and what should be done if you were actually going to take a scientific approach at trying to determine whether OSS systems have anything to do with what's going on in the groundwater or Puget Sound. I'm a licensed PE, Dave Tegglar, and I have a Masters in mechanical engineering with an emphasis on statistical analysis. I'm not an expert on septic systems but I'm familiar with the math that can take several different possibilities of cause/effect and sort them out, and determine which have significant input and which do not. Mr. Tegglar provided a handout to the audience. He described his handout as a sample of the kind of analysis that should be done. This is called analysis of variance, and is the statistical method. It's in Excel, it's a math function, and is fairly common function in the math world. You test the hypothesis that a given number of failures, in this example, are significant. I proposed in this example, that if you follow down through four possible sources, you don't know where the pollution or hot spots are coming from, but you have, for the sake of argument, 1) OSS systems feeding water into the Sound, 2) residents without OSS, where they're just piping their sewage into the waterway, 3) residents with treated sewage feeding into the Sound, and then 4) accidental dumping of not fully treated sewage, creating hotspots. You have to rule in/rule out each source, and you have to do that statistically. I postulated in the example, over 10 years, to get enough of a sample, that there would be X failures per so many thousand OSS systems, which would cause a problem. I used some made up, but typical, data to show how your measurements might change every year, for not only

those septic systems feeding the hot spots and like number feeding cold spots in the Sound. You sum them up, do the analysis of variance, and you calculate the mean and standard deviation. And in this example, the hot spot, or mean number of failures, and the cold spot, or mean number of failures, came out the same, but they did have a standard deviation which would create some uncertainty. I gave the T confidence interval.

But the critical thing, which I think you'd find if you actually went and made these measurements, is if the data came out anything like what I postulated here, you have  $8 \times 10^{-8}$  probability that the OSS systems are causing the effect you're trying to manage and document.

Unless you develop data like this, you don't know whether the OSS failures have anything to do with what's going on in the basic water quality that the State mandates/is trying to regulate. In my example, you have a 1 in 800 million chance of it being the OSS system. I would not be surprised if the failures in the cold versus hot spot areas of Puget Sound would be the same, because it has nothing to do with the Sound, it has to do with the ground you put them in. It's a matter of getting the data, which you don't have. If you go through the other examples of sewage flowing out, you might see a correlation there. You might also see something from accidental sewage spills. But you've got to go through the math. It's not hard to do. Why do we have a big management plan for something that isn't even established scientifically? This was my main complaint out at Tahoma High school. Without the data done in a scientific process like this, where you design the experiment to fit into the statistical model, you don't know what you're doing. There's also the other possibility, the corollary. What if it has nothing to do with septic system failures? What if it's the basic existence of septic systems that's creating the pollution? Well, then I ask this, why is there cold spots?

Let me give you an example of what I'm talking about, how you can get a runaway situation like this. I'm in commercial aviation. A few years ago, in Washington D.C., they were planning to add another runway and all the environmental groups got in a tizzy. And they went and measured air pollution levels all across Washington D.C., including down the center of the runway. The runway has the cleanest air in all of Washington D.C., because big gas turbo engines burn fuel at 3,000 degrees, and they also burn air pollutants, and it comes out the back as water and carbon dioxide. It caused millions in lawsuits, etc. over some fundamental concept that some folks did not understand. What I see going on here, potentially, is an exposure to the County, of a whole big morass, that was something that's a non-effect. You're opening a can of worms without proper documentation. If it turns out this plan you've come up with, isn't the cause of what you're looking for.

**Public Comment:** *(Addressing other members of the public)* Maybe you said this, but can people in the audience say what your stake in the game is? It would be great if people could say what their stake in the game is before speaking. It would help to know what your angle is, when people ask their questions.

**Public Comment:** I'm Cindy Alia, with the Citizens Alliance for Property Rights. I have volunteered for 12 years. Probably at least 90% of our membership are septic system owners. We had placed a public disclosure request 60 days ago. We are getting some fairly weak responses. We're asking for data and it's not being produced. We're getting partial data, that is not really related to the questions we've asked. We're concerned that King County is not giving specific data on hot spots or what they are calling potential hot spots. There seems to be no data, no testing, specific to the hot spots. We are looking for data that is specific in kinds of pollution, kinds of tests that have been done to show that pollution, if any DNA testing has been run on these hot spots. We're not finding that specific data is available or it would have been made available if it existed. At the August meeting on this topic here in this room, it was often said that Thurston County is being used as a model for the King County deliberations. We're not clear on where King County is on this, after four public meetings in south east King County. We were told that it was not going forward. We're not sure what it means that it's not going forward. It looks like the plan is going forward. What parts are being eliminated? Simply the fee? Most people in King County were extremely objecting to the use of the dedicated easements without parameters, which was not addressed in the proposal given by King County Board of Health. It still has not been addressed, that the WAC calls for these dedicated easements that this plan was based on. I've done research on RCWs that are referred to in the plan, and in the WAC. There is no language requiring the dedicated easements, so I am concerned that County would go ahead with basing their rulemaking based on a WAC that is flawed in that it is not accurately protecting property owners in an overreach of jurisdiction or authority. There is language in the WAC that is not based in the legislative intent of the RCWs. King County is not addressing in their proposals the dedicated easements at all. This is either an oversight, or there is nothing that shows what the County's intent is, as far as that portion of the WAC is concerned. We don't know if you want to use dedicated easements without parameters on our properties when you feel like you need to inspect. The plan is silent on this, and we don't know why the plan is silent on this.

The last meeting constantly referred to the Thurston County model as something they were relying on, or looking to. We have some concerns because we have recently found that there is news of falsified data of failed systems in the Deschutes watershed. There was a huge magnitude of exaggeration and knowingly falsified data. King County should not rely on the Thurston model; it does not look like a reliable model. We will continue to see if we can find resolution on getting data from King County that is specific to their claims, such as: this was written by King County, "that there were 4,000 complaints related to polluting creeks, contaminating wells, and exposing children to sewage." We have no data on any of those claims. Specific data would be required to back up some of these claims, otherwise these claims are outrageous and specious arguments that are not backing up what you want to have happen in the plan. I have not been given access to the data in King County. I am not working on the Deschutes data. People working on the Deschutes data have told me this is what they have found. I don't have the Deschutes data, so I want to warn King County that they should not depend on Thurston

County data. We're wondering if the King County model is based on any data, because we haven't received it after 60 days.

**Public Comment:** I did not come prepared with the info but I will look it up and send it to you. In California, there is a city that used to process their sewage in a sewage system and then dump it into a stream like most sewer systems do. They have changed their policy and instead of dumping processed sewage into a stream, they have started pumping it into a huge drainfield and allowing it to percolate down through soil. The City gets its drinking water from a well, and they have determined that they have huge water conservation by taking the water from the water table below the drainfield and putting it back into the drinking water for the City. That is evidence that soil does indeed purify the processed sewage. It has a double benefit of avoiding stream pollution as well as conserving water.

**Public Comment:** Perhaps it's worth mentioning that it's potable water.

**Public Comment:** In relation to that, what I'm going to read from the King County OSS plan from 2016. The following rebuttal statements are from Steve Neugebower, who is a licensed hydrogeologist in the State of Washington. "This King County OSS Plan states that there are over 85,000 onsite sewage systems. Each serves an average of 2.5 people. Each of those people use an average of 70 gallons of water per day. That equates to an approximate 15 million gallons of wastewater flowing into the environment from homes and businesses each day." From page 8 of the Plan's Introduction.

How is this flowing into the environment? A correctly designed septic system does not release any into the environment. It returns treated water to groundwater aquifers. Just as a downspout infiltration, stormwater infiltration, etc. The siting, design, and operation of a septic system is closely regulated and per the U.S. EPA 2002, is 99% efficient at removing pollutants from the leachate in the drain field at a depth of four feet below the biomat that forms in the bottom of a leach system trench. The only pollutant that may not be completely reduced is nitrates, which can be reduced further as the leachate percolates, especially if organic material is encountered.

The fact of the matter is that septic systems are 99% efficient at removing pollutants from the leachate at a depth of four feet below the biomat. We know a correctly designed system, and most of them or the majority of them are, water does not flow into the environment at all. Untreated sewage or wastewater flowing into the environment; it is treated at a 99% efficiency rating. Which is 100 times greater than a centralized system.

**Public Comment:** There were a few things that were made as recommendations at the last meeting that need to be underscored as well.

1) Regarding the term precautionary principle. It was acknowledged in the notes but it should be underscored that the term should be removed as an overstatement for any possible situation related to OSS.

2) Another topic had to do with educational materials. It was acknowledged that they were available from other sources. It should also be added that the King County document should be reviewed for incorrect demonstration of OSS, incorrect claims of pollution, and incorrect information about contamination and health risks.

2a) That the cover graphic on the plan be removed. It is not a depiction of an OSS system. Totally incorrect.

3) One more notation regarding recommendations made at the last meeting: regarding the RCW, on MRAs. That it was incorrect and should note the extensive/expensive criteria to be used on shorelines only.

**Public Comment:** I would like to add to what you're saying. The law required that MRAs were to be specifically delineated, and boundaries were to be created for those MRAs. An MRA is not like a watershed that can be however long it needs to be for that study. They have specific delineated boundaries. We'd like to see documents that show those specific, delineated boundaries. Where are those boundaries?

**Public Comment:** My name is Warren Iverson, and I'm a member of the Work Group. I let the others talk first because they have not had a chance and I've dominated most of the talking on the committee level. As many of you know, I'm a homeowner and business owner. One question, these pages you're churning out (referencing the flip charts), what happens to them? Are they going to be incorporated documents?

**Response:** They will be incorporated and put on the website.

**Public Comment (Warren):** Last month we had a 41-page doc to review. Roughly 30% of the work group showed up, the rest did not. I made several comments. I don't see in the new document, which I have not read, I asked to have precautionary principle taken out. Has that been removed? The document, to my knowledge, has not been altered.

**Public Comment:** I don't think the document has been altered. It noted comments made at the meeting, but to my knowledge it has never been altered.

**Public Comment:** Is there any racial discrimination or targeting for persons of color in this program? The previous Work Group facilitator handed out a piece of paper in an earlier meeting about targeting people of color. I don't know if a black person, Hispanic, oriental, uses septic systems any differently than a white person. I would say young people, who move out from the cities, have no clue that they have a septic tank or how to use them. I think that should not be included. Anything remotely talking about racial targeting should be removed, if it hasn't been already. I don't think Lynn or anyone else here knowingly wanted to include that. Someplace in the new document, it breaks down the number of people living in the County, and the racial ethnicity. I'm thinking why? Are they going to target those people? I think it should be totally removed. I think someone made an error. I also represent the Greater Maple Valley Unincorporated Area, though that last comment was my personal.

**Public Comment:** A clarification on what was written on the flip chart regarding profiling of people of color. What he's suggesting is whether this should be re-

evaluated. But as it's written on the flip chart, it sounds like you're asking the question to be put back in the form. But I also think that's a valid point to make. We may not exactly understand why that was written in there; there may be some form of racial discrimination that's happening that we don't know about. The powers that be need to determine if there is a legitimate reason that racial discrimination could be happening related to septic, in order to include it. Need to assess whether it should be in the document.

**Public Comment:** Perhaps that thought is reverse discrimination. I would say, just from judgement, that the majority of people with OSS are not black. Maybe it's a feeling that the people out there ought to be taxed because they are white people, rather than because they're black.

**Public Comment:** It's a social justice throw-in. It's nice if you like to think along those terms. Currently they thought there were some inner city neglected neighborhoods who had septic systems, and felt that those people in those neighborhoods weren't capable of taking care of septic systems. A) I don't believe that's true. B) King County Title 13 expressly prohibits, for this particular instance, septic systems. Read Title 13 exactly as it is written. It is not meant to target any specific group, either negatively or positively. Go back and read it, and make your document coincide with it. Or ask County Council to change the language in King County Title 13.

**Public Comment:** You can't racially profile someone with a turban at an airport. Why are you allowed to do that in print, with someone with a septic system?

**Public Comment:** I also represent the Greater Maple Valley Unincorporated Area, though that last comment, about racial targeting in the Program, was my personal. Our four pillars submitted in May, I'd like to re-submit. Top priorities should be given to 1) Education 2) Fixing the problem areas, the MRAs where you know you have problems and 3) Consulting with rural area councils on anything regarding water or sewage as they are either on wells or septic systems.

**Public Comment:** At either one of the Public Health meetings or the area council meeting, they provided a handout. This is an excellent document. I would focus almost exclusively on this document. (Attendee provided a copy of this handout). *"What is a septic tank?" / "Septic Tank care"*.

**Public Comment:** If you have a computer, all the information you could want on how to care for a septic system exists on the County website.

**Public Comment:** The County should never be allowed to come on your property without a sheriff or warrant, not as a matter of fact to look at your septic system, not without due cause or whatever the appropriate term is. For example, the County could say that if you want a building permit, you've got to get an inspection. That's coercion. Permission should be a free, willing thing. Now if there's a complaint on smell, or leak, that's a different story. Code enforcement officers generally come with a police officer now anyways.

**Public Comment:** I want to add on that. There are many regulations that people violate on a regular basis. For example, there are regulations against burning paper/plastic in your fireplace and everyone is guilty to some extent of violating that. If they can come on your property to inspect your septic tank because of suspected environmental pollution, then they can come into your house and make sure you're not hiding anything, check out your fireplace to make sure you haven't burned paper or plastic, and make sure you're taking care of their property because they own it, not the person who lives there and thinks he owns it. Regulations can be abused to take ownership of private property by a government entity. It erodes private property rights. That could apply to the whole home.

**Public Comment:** For example, what's to prevent them from ensuring you have a 1.2 gallon toilet versus a 1.6 gallon.

**Public Comment:** Regarding pumping your septic system every three years, on the first page it talks about pumping your septic system every three years, and I wrote an asterisk on that because it says, "Generally it should be pumped every 3 years, although longer intervals may be satisfactory. The frequency depends upon your household habits, use of garbage disposal..." Garbage disposals should be prohibited. Garbage disposals significantly increase the need for pumping. If you're renting a place out or you moved out from the city, you think it's normal. But it's abnormal to have one; it's bad for it. But don't go in the house to see if they're using one. The pumping frequency should also reference the number of users. If you have two people in the house, you're going to pump less than if you have 12. And they may not all live there, for example, if you have a party house with lots of visitors on the weekends. It's going to come back at the property owner or landlord.

**Public Comment:** I'd like to bring up the topic of required professional maintenance contracts. When did King County initiate this policy? Who gave the directive? When will this cease and desist? It was stated in the Plan that it is the owner's responsibility to maintain their system. So why can't they get a use permit without a maintenance contract signed? This is illegal. If you have a new system installed, for whatever reason, you will not get a use permit of that system without a signed operations and maintenance contract with a private entity. When did this start? It is illegal.

**Public Comment:** Is that for local individual homeowners or big systems?

**Response:** Individual homeowners.

**Public Comment:** My name is Jodie Brown, also a homeowner. Again, my questions are read from the plan and my rebuttal will come from Steve. On page 12, in the Management Plan, it says, "In 2016, as OSS problems and the pressure to address them increased, the King County Board of Health passed resolution 16-03. That resolution directed Public Health to inventory all OSS throughout King County, to update the OSS Plan and seek sustainable funding to implement that updated plan." I have some questions regarding those statements. We would like to have these questions addressed specifically. Where is the citation? Where is the data? What pressure, from whom, and



how many? How much did this pressure increase, and where is the pressure coming from?

**Public Comment:** Jodie Brown again. I would like to address funding. On page 34, part 6, Plan Implementation & Financing, it says, "The 2007 King County OSS Management Plan was written to comply with State laws and regulations, which require local health jurisdictions to protect the public's health and the environment from improperly operated, maintained and failed OSS. However, sustainable financing of Public Health's OSS was never enacted and that Plan was never funded. Consequently, many of the actions spelled out within the Plan were never taken, and its goals and compliance with those laws were not achieved."

Funding was not provided for good reason. There is no demonstrated need, there's no cost to benefit analysis, no data provided by the department, no citations for any statements made, no actual third party reviewed science provided. There is no demonstrated need for more department oversight and more department staff, especially since the department has not bothered to even create basic databases on the septic system permits it has issued since the 1970s, as is required by Federal and State water quality codes, including drinking water codes, per the departments' own statements in this document. This is a simple funding ploy to create the need for more staff, for expensive multi-functional databases and for entering data that already exists without demonstrating a need. The department has not demonstrated anywhere in this document how an OSS will impact human health or the environment based on actual science and is contradicted by the very U.S. EPA manual which septic designers and installers use, the US EPA onsite wastewater treatment system manual, 2002. Additionally, the department should have licensed, qualified staff that meet the requirements of RCW 18.220 but it does not. It is unclear how the department can ignore state-mandated licensing codes.

**Public Comment:** So this is called a listening session. I'd like to know what exactly the difference between listening and public comment period. Are the comments given at a listening session given the same weight?

**Response: (Ann)** I'm not sure about the difference. But all these comments are given to the Board of Health, and will go into the permanent public record. There will be a public comment period during the Board of Health review of the Plan. I would encourage you to go and make sure your issues are addressed, and things are changed, and use that forum too. But all these comments will be included, as the Plan gets sent to the Board of Health.

**Public Comment:** Lynn do you have clarification on that? What is the difference between a listening session and a public comment? Are the comments asked here today given the same weight as comments made during a public comment period?

**Response: (Ngozi)** The answer is yes. The plan is a draft. It's a draft because we're collecting comments. Someone said they didn't see their comments in the document. We will incorporate them into the Plan as appropriate. Now, as you probably know, will

everything that be said be in the plan? Probably not. But the totality of the comments will be looked at in reference to the draft. And the draft is not final until the Board says it is. And the Board will get these comments at the same time as they get the draft.

**Public Comment:** Maybe you can help me clarify then, is this Plan that's available today, on the table, any different than what was available during the August meeting?

**Response: (Lynn)** I believe we have updated it with the comments. There is a possibility we printed the wrong version. The comments should have been updated. As Ngozi said, not all comments were incorporated but we heard all of the comments and evaluated all comments. The Plan belongs to the Board of Health, and the County, so there is some evaluation as to the appropriateness. But I think we did try to get almost all comments in. Let me know if there were some that were not updated.

**Public Comment:** Pollution data, there was discussion in the last meeting about Combined Sewer Overflows, and that they are not the jurisdiction of this Plan. And yet, the purpose of this plan is to find sources of pollution. And the question being, are those sources from OSS? Therefore, I think it is important to note if the sources are not OSS. If pollution is found, and not from an OSS, that does need to be included in the plan. And with that, an evaluation of the percent of pollution versus the percent of staff time and staff money. Claims of contamination have not been founded, though tests have been done. Question, who chooses what tests are revealed and what tests are not? Who chooses what data to use?

**Public Comment:** It occurs to me that OSS problems, whether they're septic or sewers, commercial or individuals, it's a problem. And if we have a problem area, we need to address those. On the Work Group, we had two individuals representing different Indian Tribes. Does the OSS program cover the Tribal areas?

**Response:** Tribal land is sovereign. They permit their systems, or EPA does. Is your question who regulates septic systems on tribal land?

**Public Comment:** Yes. That opens up the broader question, are you requiring inspections by companies if they're installed there?

**Response:** It's sovereign land. The County doesn't have jurisdiction over Tribal property.

**Public Comment:** So if they pollute, it's ok? I think we need to state in the document that Tribal lands are not covered in the OSS Program.

**Response:** They have environmental laws and environmental codes.

**Public Comment:** Well, you didn't stick that in the document -- that Tribal lands are not covered by the OSS program.

**Public Comment:** So that's fine and dandy, they have their own environmental laws. Are their laws and policies secret, or should they be shared with King County and residents of King County who are impacted because we're sharing the same land mass.

**Public Comment:** They have a seat at the Work Group table; if they're not covered, how do we get that data for what they are doing?

**Public Comment:** To my knowledge, we've never seen a cost/benefit analysis of this plan. There should be a cost-to-benefit analysis completed prior to implementation of this plan. And it should be public knowledge, so that the public can take a look at it and see if it's beneficial. A financial impact statement.

**Public Comment:** It should also include a small business economic impact statement.

**Public Comment:** We spoke very early on that homeowners of OSS systems are probably the largest stakeholder in this, and yet there is a big void of compassion or service towards those owners. Perhaps topics such as streamlining permitting processes, cost containment, and accessibility to as-built drawings even in times of IT problems be addressed.

**Public Comment:** The words, "abused minority" should be included in there somewhere.

**Public Comment:** I have a question. I'm a homeowner with a septic system. I came because we were notified that this review was going on. We were alerted there is a recommendation on the table to require inspection of every single OSS system, with a fee? I've looked through the Plan and I can't get an answer. I can't find this particular recommendation.

**Response:** The fee has been tabled and is not a part of this Plan document.

**Public Comment:** That seems to be a very important thing to note, and to happen. What I understood was that every 3 years you'd need to have your system inspected by someone you're served by, and there would be a fee paid the County or the inspector, a fee involved in that?

**Public Comment:** I would like a table available in this draft, a table with the current fees that are assessed to an individual when they have their system examined or inspected. How often it is required? And if there are proposed changes to those fees included in this draft? Is there a proposed change to the schedule of fees/inspections? I thought initially he was talking about the \$40 assessment that was to become a part of this plan on every individual property owner yearly, but he's talking about inspections/assessment fees.

**Public Comment:** Since the County has lost most of the as-built drawings, someone had that on one of their comment sheets, so you have to hire someone to come out and draw that plan up for you. Since the County lost it, I would say the County needs to waive any fee the County would charge for reporting lost as-built drawings. Why should the homeowner pay to get them drawn up? They submitted them in order to get a building permit when they were built.

**Public Comment:** Is your organization (question directed at a fellow audience member) opposed to any kind of monitoring at all?

**Response:** No, we're not opposed to monitoring in particular. We're opposed to rulemaking without appropriate data, scientific studies and economic impact statements and small business economic impact statements. We're not against

regulation, we're not against fees. The RCW requires that fees exactly match a service. So a blanket \$40 fee did not meet that legislative intent. We're also against the dedicated easements because there were no parameters included in those easements. It did not say, dedicated easements for a specific purpose that must be something that you would contact the property owner and set an appointment for that. It was just a dedicated easement. Led a lot of people to think that when Public Health is on their route, they will just trespass on your property. A dedicated easement for a septic would probably encompass more than just the tank, it would probably encompass your drain field. God knows five years from now, they'll put a buffer on your drainfield. There were just no parameters.

**Public Comment:** If I can't find it in this document, are there additional recommendations being considered that are not being given to us? I want to know what specifically is being recommended that would impact me as a homeowner. We're in an area way away from any wetlands, streams, so we want to know if we're subject to the same rules as someone who lives right next to a beach or something. I can see the general ideas that reference other county's ideas, but it is unclear if there are specific recommendations on the table that the Board of Health is considering, that we are not seeing in the plan.

**Public Comment:** And if there is data, I'd like to see it too. If there is data that shows that septic systems in my area are polluting the water or the land, I don't think that they are, but that appears to be the concern; if there is data to show that, we should know the parameters of the area. And it needs to be specific, not just "this watershed." But if it is proven that there is pollution and data to back it up, I am of the mindset because I am a citizen of an area, that I would like it to be addressed. So I'm kind of on the side of the health department. I like what he said - maybe we're barking up the wrong tree. But if it is a legitimate problem, if there is accurate data that is relevant to what we're talking about, if there is data to show it, I'd like to know. I differ from you all, in that I'm not this rugged individualist that says "stay off my property." I like to know, and I think it's for the betterment of the community to make sure that the land and water is not polluted by septic systems.

**Public Comment:** There was a separate group formed through Public Health. They didn't know about us at all. They told the news and television stations there was going to be a \$40 fee. That's how I got to hear about it, on this committee. If you attended any of these public meetings, you learned some of these repairs are \$40-60K. I want the least costly method to repair it available.

**Meeting was adjourned at 3:09 PM.**

### **Meeting Recap/Next Steps**

Ann reminded attendees they could visit the website and submit additional comments. She encouraged those with written comments to provide them to staff so they can be included on the Public Health OSS webpage.

All meeting related materials will be posted on the OSS Plan Update webpage at:  
<http://www.kingcounty.gov/healthservices/health/ehs/wastewater/2016-oss-plan-update.aspx>

### **Meeting Attendees (Staff & Contractors)**

- Ngozi Oleru, Director, Environmental Health Services Division, Public Health – Seattle & King County
- Ann McBroom, King County Office of Alternate Dispute Resolution
- Lynn Schneider, PH OSS Program
- Terri Jenkins-Mclean, PH OSS Program
- Natasha Walker, Kellogg Consulting, Inc., contract meeting recorder